

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 18, 2003. In order to advance prosecution of this Application, Claims 1, 12, 15, and 22 have been amended. Applicant respectfully requests reconsideration and favorable action in this case.

The Examiner has grouped the claims into two groups for restriction, Invention Group I with Claims 1-14 and Invention Group II with Claims 15-24. A provisional election was made with traverse to prosecute Claims 1-14 of Group I. Applicant respectfully traverses this restriction requirement. Applicant respectfully defers withdrawing any claims from this Application pending reconsideration by the Examiner in view of the following comments.

In order to support a restriction of the claims, the claims to be restricted must be both independent and distinct. To be independent, the claim groups must be unconnected in design, operation, or effect, or have no disclosed relation therebetween. To be distinct, the claim groups must be capable of separate manufacture or use and be patentable over each other. Moreover, if a search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. M.P.E.P. §803.

The Examiner states that proposed Invention Groups I and II are related as process and apparatus for its practice. However, the apparatus of proposed Invention Group II is the resulting product of the process of proposed Invention Group I. Thus, the apparatus of proposed Invention Group II does not practice the process of proposed Invention Group I and the Examiner's basis for the restriction is improper. In this

Application, it cannot be shown that the process as claimed can make another and material different product or the that the product as claimed can be made by another and materially different process. Also, proposed Invention Groups I and II are not independent of each other as there is a disclosed relationship, product and process of making the product, between them which are not unconnected in design, operation, or effect in order to establish independence. Moreover, since the Examiner would be using the same prior art in the examination of both proposed Invention Group I and proposed Invention Group II, no serious burden is placed on the Examiner to search and examine proposed Invention Groups I and II. Thus, Invention groups I and II are not independent and distinct from each other to support the Examiner's restriction requirement. Therefore, Applicant respectfully requests the Examiner to withdraw the restriction requirement in this Application. In the event that the Examiner persists in restricting the claims of this Application, Applicant respectfully affirms the election of Claims 1-14 of Invention Group I but maintains that restriction of the claims is not proper in this Application.

Claims 1, 2, and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated by Seelen. Independent Claim 1 recites ". . . the window having a chrome layer with an aperture therethrough . . ." By contrast, the Seelen patent does not disclose the use of a chrome layer as provided in the claim. Support for the above recitation can be found at page 22, lines 19-22, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1, 2, and 11 are not anticipated by the Seelen patent.

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Chun. Independent Claim 1 recites ". . . the window having a chrome layer with an aperture therethrough

. . . " By contrast, the Chun patent does not disclose the use of a chrome layer as provided in the claim. Support for the above recitation can be found at page 22, lines 19-22, of Applicant's specification. Therefore, Applicant respectfully submits that Claim 1 is patentably distinct from the Chun patent.

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Chun in view of Tu, et al. or Tu, et al. in view of Chun. Independent Claim 1 recites ". . . the window having a chrome layer with an aperture therethrough . . . " By contrast, neither the Chun patent nor the Tu, et al. patent disclose the use of a chrome layer as provided in the claim. Support for the above recitation can be found at page 22, lines 19-22, of Applicant's specification. Therefore, Applicant respectfully submits that Claim 1 is patentably distinct from the proposed Chun - Tu, et al. or Tu, et al. - Chun combinations.

Claims 1 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hasegawa, et al. Independent Claim 1 recites ". . . the window having a chrome layer with an aperture therethrough . . . " By contrast, the Hasegawa, et al. application does not disclose the use of a chrome layer as provided in the claims. Support for the above recitation can be found at page 22, lines 19-22, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1 and 11 are patentably distinct from the Hasegawa, et al. application.

Claims 1 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita in view of Hall and Hasegawa, et al. Independent Claim 1 recites ". . . the window having a chrome layer with an aperture therethrough . . . " By contrast, the Yamashita patent, the Hall patent, and the Hasegawa, et al. application do not disclose the use of a

chrome layer as provided in the claims. Support for the above recitation can be found at page 22, lines 19-22, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1 and 11 are patentably distinct from the proposed Yamashita - Hall - Hasegawa, et al. combination.

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Seelen. Independent Claim 1, from which Claim 3 depends, has been shown above to be patentably distinct from the Seelen patent. Therefore, Applicant respectfully submits that Claim 3 is patentably distinct from the Seelen patent.

Claims 4-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Seelen in view of Robichaud, et al. Independent Claim 1, from which Claims 4-7 depend, has been shown above to be patentably distinct from the Seelen patent. Moreover, the Robichaud, et al. patent also fails to disclose the use of a chrome layer as provided in the claims. Therefore, Applicant respectfully submits that Claims 4-7 are patentably distinct from the proposed Seelen - Robichaud, et al. combination.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Seelen in view of Turcotte, et al. Independent Claim 1, from which Claim 8 depends, has been shown above to be patentably distinct from the Seelen patent. Moreover, the Turcotte, et al. patent also fails to disclose the use of a chrome layer as provided in the claims. Therefore, Applicant respectfully submits that Claim 8 is patentably distinct from the proposed Seelen - Turcotte, et al. combination.

Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Seelen in view of McCurdy, et al. Independent Claim 1, from which Claims 9 and 10 depend, has been shown above to be patentably distinct from the Seelen

patent. Moreover, the McCurdy, et al. patent also fails to disclose the use of a chrome layer as provided in the claims. Therefore, Applicant respectfully submits that Claims 9 and 10 are patentably distinct from the proposed Seelen - McCurdy, et al. combination.

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tu, et al. and Chun in view of Yamashita and Robichaud, et al. Independent Claim 1, from which Claim 2 depends, has been shown above to be patentably distinct from the Tu, et al. patent, the Chun patent, the Yamashita patent, and the Robichaud, et al. patent. Therefore, Applicant respectfully submits that Claim 2 is patentably distinct from the proposed Tu, et al. - Chun - Yamashita - Robichaud, et al. combination.

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tu, et al. and Chun in view of Yamashita and Robichaud, et al. and further in view of Applicant's Information Disclosure Statement. Independent Claim 1, from which Claim 3 depends, has been shown above to be patentably distinct from the Tu, et al. patent, the Chun patent, the Yamashita patent, and the Robichaud, et al. patent. Moreover, Applicant's Information Disclosure Statement also fails to show the use of a chrome layer as provided in the claims. Therefore, Applicant respectfully submits that Claim 3 is patentably distinct from the proposed Tu, et al. - Chun - Yamashita - Robichaud, et al. - Applicant's Information Disclosure Statement combination.

Claims 4-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tu, et al. and Chun in view of Yamashita and Robichaud, et al. and further in view of Seelen. Independent Claim 1, from which Claims 4-7 depend, has been shown above to be patentably distinct from the Tu, et al. patent, the Chun patent, the Yamashita patent, the Robichaud,

et al. patent, and the Seelen patent. Therefore, Applicant respectfully submits that Claims 4-7 are patentably distinct from the proposed Tu, et al. - Chun - Yamashita - Robichaud, et al. - Seelen combination.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tu, et al. and Chun in view of Matsuda, et al. Independent Claim 1, from which Claim 8 depends, has been shown above to be patentably distinct from the Tu, et al. patent and the Chun patent. Moreover, the Matsuda, et al. patent also fails to disclose the use of a chrome layer as provided in the claims. Therefore, Applicant respectfully submits that Claim 8 is patentably distinct from the proposed Tu, et al. - Chun - Matsuda, et al. combination.

Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tu, et al. and Chun in view of Poradish, et al. Independent Claim 1, from which Claims 9 and 10 depend, has been shown above to be patentably distinct from the Tu, et al. patent and the Chun patent. Moreover, the Poradish, et al. patent also fails to disclose the use of a chrome layer as provided in the claims. Therefore, Applicant respectfully submits that Claims 9 and 10 are patentably distinct from the proposed Tu, et al. - Chun - Poradish, et al. combination.

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tu, et al. and Chun in view of Hall and Hasegawa, et al. Independent Claim 1, from which Claim 11 depends, has been shown above to be patentably distinct from the Tu, et al. patent, the Chun patent, the Hall patent, and the Hasegawa, et al. application. Therefore, Applicant respectfully submits that Claim 11 is patentably distinct from the proposed Tu, et al. - Chun - Hall - Hasegawa, et al. combination.

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hasegawa, et al. in view of Robichaud, et al. Independent Claim 1, from which Claim 2 depends, has been shown above to be patentably distinct from the Hasegawa, et al. application and the Robichaud, et al. patent. Therefore, Applicant respectfully submits that Claim 2 is patentably distinct from the proposed Hasegawa, et al. - Robichaud, et al. combination.

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hasegawa, et al. in view of Robichaud, et al. and further in view of Applicant's Information Disclosure Statement. Independent Claim 1, from which Claim 3 depends, has been shown above to be patentably distinct from the Hasegawa, et al. application, the Robichaud, et al. patent, and Applicant's Information Disclosure Statement. Therefore, Applicant respectfully submits that Claim 3 is patentably distinct from the proposed Hasegawa, et al. - Robichaud, et al. - Applicant's Information Disclosure Statement combination.

Claims 4-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hasegawa, et al. in view of Robichaud, et al. and further in view of Seelen. Independent Claim 1, from which Claims 4-7 depend, has been shown above to be patentably distinct from the Hasegawa, et al. application, the Robichaud, et al. patent, and the Seelen patent. Therefore, Applicant respectfully submits that Claims 4-7 are patentably distinct from the proposed Hasegawa, et al. - Robichaud, et al. - Seelen combination.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hasegawa, et al. in view of Kajihara, et al. and Matsuda, et al. Independent Claim 1, from which Claim 8 depends, has been shown above to be patentably distinct from the Hasegawa, et al. application and the Matsuda, et al.

patent. Moreover, the Kajihara, et al. patent also does not disclose the use of a chrome layer as provided in the claims. Therefore, Applicant respectfully submits that Claim 8 is patentably distinct from the proposed Hasegawa, et al. - Matsuda, et al. - Kajihara, et al. combination.

Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hasegawa, et al. in view of Poradish, et al. Independent Claim 1, from which Claims 9 and 10 depend, has been shown above to be patentably distinct from the Hasegawa, et al. application and the Poradish, et al. patent. Therefore, Applicant respectfully submits that Claims 9 and 10 are patentably distinct from the proposed Hasegawa, et al. - Poradish, et al. combination.

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita, Hall, and Hasegawa, et al. in view of Robichaud, et al. Independent Claim 1, from which Claim 2 depends, has been shown above to be patentably distinct from the Yamashita patent, the Hall patent, the Hasegawa application, and the Robichaud, et al. patent. Therefore, Applicant respectfully submits that Claim 2 is patentably distinct from the proposed Yamashita - Hall - Hasegawa, et al. - Robichaud, et al. combination.

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita, Hall, and Hasegawa, et al. in view of Robichaud, et al. and further in view of Applicant's Information Disclosure Statement. Independent Claim 1, from which Claim 3 depends, has been shown above to be patentably distinct from the Yamashita patent, the Hall patent, the Hasegawa application, the Robichaud, et al. patent, and Applicant's Information Disclosure Statement. Therefore, Applicant respectfully submits that Claim 3 is patentably distinct from the proposed Yamashita - Hall - Hasegawa, et al.



- Robichaud, et al. - Applicant's Information Disclosure Statement combination.

Claims 4-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita, Hall, and Hasegawa, et al. in view of Robichaud, et al. and further in view of Seelen. Independent Claim 1, from which Claims 4-7 depend, has been shown above to be patentably distinct from the Yamashita patent, the Hall patent, the Hasegawa application, the Robichaud, et al. patent, and the Seelen patent. Therefore, Applicant respectfully submits that Claims 4-7 are patentably distinct from the proposed Yamashita - Hall - Hasegawa, et al. - Robichaud, et al. - Seelen combination.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita, Hall, and Hasegawa, et al. in view of Matsuda, et al. Independent Claim 1, from which Claim 8 depends, has been shown above to be patentably distinct from the Yamashita patent, the Hall patent, the Hasegawa application, and the Matsuda, et al. patent. Therefore, Applicant respectfully submits that Claim 8 is patentably distinct from the proposed Yamashita - Hall - Hasegawa, et al. - Matsuda, et al. combination.

Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita, Hall, and Hasegawa, et al. in view of Poradish, et al. Independent Claim 1, from which Claims 9 and 10 depend, has been shown above to be patentably distinct from the Yamashita patent, the Hall patent, the Hasegawa application, and the Poradish, et al. patent. Therefore, Applicant respectfully submits that Claim 8 is patentably distinct from the proposed Yamashita - Hall - Hasegawa, et al. - Poradish, et al. combination.

Applicant notes with appreciation the allowability of Claims 12-14 if placed into appropriate independent form. Claim 12 has been amended into independent form as suggested

by the Examiner. Therefore, Applicant respectfully submits that Claims 12-14 are in condition for allowance.

Claims 15 and 22 have been amended in a similar fashion as Claims 1 and 12 respectively. Pending withdrawal of the restriction requirement, Applicant respectfully submits that Claims 15-24 are also patentably distinct from the cited art for the reasons discussed above and are in condition for allowance.

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-24.

With the presentation of an extra independent claim, an additional filing fee is due. Attached herewith is a check in an amount of \$84.00 made payable to the "Commissioner of Patents and trademarks" to satisfy the excess independent claims fee of 37 C.F.R. §1.16(b).

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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